

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES W. RILEY,

PLAINTIFF,

V.

**STANLEY TAYLOR, THOMAS
CARROLL, DAVID PIERCE, AMY
MUNSON, MEDICAL ASSISTANT
MALANEY, CORRECTIONAL
MEDICAL SYSTEMS and FIRST
CORRECTIONAL MEDICAL,**

DEFENDANTS.

**CIVIL ACTION NO. 06-001 GMS
TRIAL BY JURY DEMANDED**

**MOTION OF DEFENDANTS, MEDICAL ASSISTANT MALANEY AND
CORRECTIONAL MEDICAL SERVICES, INC., FOR AN EXTENSION OF TIME TO
RESPOND TO THE COURT'S OCTOBER 27, 2006 ORDER**

Defendants, Medical Assistant Malaney and Correctional Medical Services, Inc. ("CMS"), improperly named Correctional Medical Systems, through their undersigned counsel, hereby move this Honorable Court to enter the attached Order, granting them an extension of time until November 14, 2006 in which to respond to the Court's October 27, 2006 Order and, in support thereof, aver as follows:

1. On October 26, 2006, this Court entered an Order whereby the parties were to advise the Court in writing, no later than one week from the date of the Order, whether Plaintiff has received the sneakers that were ordered by at least 2005 and whether Plaintiff underwent the eye consultation as ordered in January 2005.

2. Pursuant to *F.R.C.P.* 6(a), when the period of time allowed is less than 11 days, intermediate Saturdays and Sundays shall be excluded from the computation. Since a response is

due within one (1) week (seven days) from the Court's October 27, 2006 Order, the response from moving defendants is due on November 7, 2006.

3. Moving Defendants are currently investigating the issues set forth by the Court and, in order to adequately do so, require additional time. The sneakers and eye consultation have been ordered; however, in order to provide an accurate and complete response, medical records are being obtained.

WHEREFORE, Defendants, Medical Assistant Malaney and Correctional Medical Service, respectfully move this Honorable Court to enter the attached Order, granting them an extension of time until November 14, 2006 in which to respond to the Court's October 27, 2006 Order.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: /s/ Kevin J. Connors
KEVIN J. CONNORS, ESQ.
DE Bar ID: 2135
1220 North Market Street, 5th Fl.
P.O. Box 8888
Wilmington, DE 19899-8888
Attorney for Defendants, Medical
Assistant Malaney and Correctional
Medical Services, Inc.

DATED: November 6, 2006

CERTIFICATE OF SERVICE

I, Kevin J. Connors, hereby certify that a copy of the **MOTION OF DEFENDANTS, MEDICAL ASSISTANT MALANEY AND CORRECTIONAL MEDICAL SERVICES, INC., FOR AN EXTENSION OF TIME TO RESPOND TO THE COURT'S OCTOBER 27, 2006 ORDER** has been served by electronic mail and first class mail upon the following:

Ophelia M. Waters, Esquire
Department of Justice
820 N. French Street, 8th Floor
Carvel State Office Building
Wilmington, DE 19801

James W. Riley
SBI #169716
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

BY: /s/ Kevin J. Connors
KEVIN J. CONNORS, ESQ.
DE Bar ID: 2135
1220 North Market Street, 5th Fl.
P.O. Box 8888
Wilmington, DE 19899-8888
Attorney for Defendants, Medical
Assistant Malaney and Correctional
Medical Services, Inc.

DATED: November 6, 2006

\\15_A\LIAB\ESTHOMPSON\LLPG\360474\ESTHOMPSON\13252\00167